

APPEAL NO. 010708

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 12, 2001. The hearing officer resolved the disputed issues by determining that the respondent (claimant) had sustained a compensable injury on _____, and had resultant disability from July 25, 2000, to March 12, 2001. The appellant (carrier) appeals on sufficiency grounds and seeks reversal. The claimant responds and urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____. The hearing officer could have relied upon the testimony of the claimant and her physician's reports and records to support her conclusion that the claimant injured her low back on _____. The carrier challenged the claimant's account of the incident and her testimony as to the onset of her symptoms.

The hearing officer did not err in determining that the claimant had disability from July 25, 2000, through March 12, 2001. Evidence supporting the hearing officer's conclusion in this regard includes the claimant's testimony that since the onset of her serious symptoms on _____, she has had to work less at less pay and, since September 11, 2000, cannot work at all. Also in evidence is a record from the claimant's doctor taking her off work September 11, 2000. The carrier contested the accuracy of the claimant's account of her tapered ability and/or inability to work.

The parties introduced conflicting evidence on the disputed issues. Pursuant to Section 410.165(a) of the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. The hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts have been established from the conflicting evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ); St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). This tribunal will not disrupt the contested findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We do not find them so here.

For these reasons, we affirm the hearing officer's decision and order.

Gary L. Kilgore
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge